

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DEREK LEROY MCSMITH

Plaintiff,

V

**U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001**

Defendant.

COMPLAINT FOR INJUNCTIVE RELIEF

This is an action under the Freedom of Information Act, 5 U.S.C. 522 for injunctive and other appropriate relief seeking the disclosure and release of agency records improperly withheld from plaintiff by defendant Department of Justice (“DOJ”).

JURISDICTION AND VENUE

This Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. 522(a)(4)(B). This Court also has jurisdiction over this action pursuant to 28 U.S.C. 1331. Venue lies in this



district under 5 U.S.C. 552(a)(4)(B). Defendant DOJ is a Department of the Executive Branch of the United States Government. The DOJ is an agency within the meaning of 5 U.S.C. 522(f).

**PLAINTIFF'S FOIA REQUESTS AND DEFENDANT'S
FAILURE TO PROVIDE A SIGNED RESPONSE OR
NO RESPONSE AT ALL**

Plaintiff submitted exhibit 1 and was provided with exhibit 2. As shown by exhibit 3 plaintiff appealed. As of to date a response has not been provided to exhibit 1.

Plaintiff has exhausted his administrative remedies with respect to exhibit one. Plaintiff submitted exhibit 4 and was provided with exhibit 5. Plaintiff then came forward and submitted exhibit 6. As of to date a response has not been provided to exhibit 5 within (20) working days. As with exhibit one plaintiff has exhausted the applicable administrative remedies with respect to both FOIA request to defendant DOJ. The DOJ has wrongfully withheld the document(s) sought in exhibit 4 and has not provided a signed response to exhibit 1.

REQUESTED RELIEF

WHEREFORE, plaintiff seeks the following relief from this Court:

- A. Order defendant to disclose the requested document(s) sought within exhibit 4 and make copies available to plaintiff;
- B. Order defendant to provide plaintiff with a signed copy of exhibit 1;
- C. Provide for expeditious proceedings in this action;
- D. Award plaintiff its costs incurred in this action; &
- E. Grant such other relief as the Court may deem just and proper.

Respectfully submitted,

Leroy

Derek Leroy McSmith
P.O. Box 961086
Riverdale, GA 30296
lry_z@yahoo.com